

Planning Commission

Agenda

March 19, 2024

6:00 PM

MAYOR
MATTHEW LUNDH

CITY ADMINISTRATOR
ROBERT OMANS

CITY PLANNER
COLLEDA MONICK

CITY CLERK
DEBBIE LEE



119 W FIRST STREET
CLE ELUM, WA 9922

PLANNING COMMISSION
GARY BERNDT - CHAIR
MATT FLUEGGE
VACANT
MARC KIRKPATRICK
COLIN BRISSEY
PAUL KANTWILL
IAN STEELE
CITIZEN ALTERNATE
VAN PETERSON

Join Virtually with Zoom: <https://zoom.us/j/7573184018?pwd=dERndjBJVC9GdVQ1d2ISRExwZFhXZz09>
Meeting ID: 757 318 4018 Passcode: 98922

Join by Phone: 1-(253)215-8782, Meeting ID: 757 318 4018, Passcode:98922

 Receive city text alert notifications: text CLEELUM to 91896

DISCLAIMER: The City does not guarantee that virtual or telephonic access to the City Council meeting will be available and the City does not warrant audio quality. Attendees are encouraged to attend in-person.

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1. **Call to Order & Roll Call**
 2. **Public Comment - Limited to 5 Minutes**
 3. **Adoption of Minutes**
 - a. March 5, 2024
 4. **Public Hearing**
 5. **Planning Updates**
 - a. Update from Gary Berndt - Chair
 - b. Staff Announcements - Planning Consultant Colleda Monick
 6. **New Business**
 - a. Follow Up: Sign Code Section 15.20.155(A) Downtown Commercial "Historic & Pedestrian Character"
 - b. Follow Up: Sign Code Section 15.20.175 Non-Conforming Signs
 - c. Review Proposed Changes to Section 17.16 - Residential
 7. **Next Meeting Agenda Development**
 - a. Finalize Any Changes to 17.16 - Residential
 - b. Table of Permitted Users
 8. **Commissioner Comments & Discussions**
 9. **Adjournment**

Planning Commission Agenda March 19, 2024

119 W FIRST STREET
CLE ELUM, WA 9922

Upcoming Meetings:

Next Planning Commission Meeting: April 2, 2024 @ 6:00 p.m.

Regular Council Meeting: April 9, 2024 @ 6:00 p.m.

General Government Committee Meeting: April 24, 2024 @ 8:00 a.m.

Public Safety & Health Committee Meeting: TBD

Public Works & Community Development Committee Meeting: April 4, 2024 @12:00 p.m.

Lodging Tax & Event Committee Meeting: April 8, 2024 @ 8:30 a.m.

DRAFT

CLE ELUM PLANNING COMMISSION

MINUTES

MARCH 5, 2024

6:00 PM

119 W FIRST STREET
CLE ELUM, WA 98922

1. Call to Order & Roll Call

Call to Order

Chair Berndt called the meeting to order at 6:02 P.M.

Roll Call

CEPC Members Present: Chair Gary Berndt, Colonel Paul Kantwill, Colin Brissey, Ian Steele (zoom), Marc Kirkpatrick (joined via zoom 6:05)

CEPC Members Absent: Matt Fluegge excused (Colin moved to approve the absence for the record; Kantwill seconded. Motion carried.)

Staff Present: Colleda Monick

2. Introduction of New Commissioner, Marc Kirkpatrick

3. Public Comment - Limited to 5 Minutes

None

4. Adoption of Minutes

- a. Approve the Planning Commission meeting minutes dated February 6, 2024

*Commissioner Kantwill motioned to accept the February 6th, 2024 minutes as presented.
Commissioner Brissey seconded. Motion passed.*

- b. Approve the Planning Commission meeting minutes dated February 20, 2024

5. Public Hearing

None Scheduled.

6. Planning Updates

- a. Update from Gary Berndt - Chair

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CLE ELUM, WA 9922

Chair Berndt

- Mayor Lundh has a perspective Planning Commission candidate.

b. Staff Announcements - Planning Consultant Colleda Monick

- Reminder to not reply all on Planning Commission emails. Future agendas and packets will be sent out via Civic Plus, which will come from a No Reply email address.
- I met with Madelyn Nelson, the volunteer assisting the city with the Table of Permitted Uses. We hope to bring that back to the Commission for review in April.

7. New Business

a. Review Last Year's Proposed Changes to the Existing Sign Code and Newly Proposed Code & Zero Lot Line

1. Review sign code changes and zero lot line changes from 2023. Discussion regarding sign code with the request to bring back nonconforming uses and "historic and pedestrian character" for further discussion and consideration.

b. Review Proposed Changes Section 17.12

1. Review proposed changes to section 17.12, minor administrative edits that do not require further discussion.

8. Next Meeting Agenda Development

a. Finalize Any Changes to Sign Code & Zero Lot Line & 17.12

1. Review previous code revisions (15.20, further discussion regarding two sections from the sign code: nonconforming and historic character)

b. Table of Permitted Uses

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CLE ELUM, WA 9922

c. Review Proposed Changes to Section 17.16

1. Review section 17.16, Single Family Residential.

9. **Commissioner Comments and Discussion**

Chair Berndt, shared an article regarding Steamboat Springs and their housing crisis:
<https://bnnbreaking.com/bnn-newsroom/steamboat-springs-housing-crisis-remote-work-fuels-real-estate-boom-locals-struggle>.

10. **Adjournment**

Chair Berndt called for a motion to adjourn. Commissioner Brissey motioned and Commissioner Kantwill seconded to adjourn the meeting at 7:32 p.m. and to reconvene on March 19th, 2024 at 6:00 p.m.

Gary Berndt - Chair

Colleda Monick - Planner

15.20.155 Downtown Commercial.

Signs in the Downtown commercial zone shall be permitted as follows:

- A. All signs shall be consistent with the historical and pedestrian character of the district.
- B. The aggregate sign area for any lot shall not exceed two (2) square feet for each foot of street frontage. The permitted signs enumerated in this subsection shall be subject to the total aggregate sign area.
- C. Wall signs are permitted provided they do not total an area more than ten percent (10%) of the building facade on which they are located. Each multi-tenant building may have one (1) wall sign for each street frontage.
- D. Projecting and awning signs shall not exceed forty-five (45) square feet of area and shall maintain a vertical clearance of ten (10) feet from the bottom edge of the sign or awning to the sidewalk surface.
- E. Sandwich board signs are allowed under the following conditions:
1. They shall not exceed two (2) feet in overall width and four (4) feet overall height;
 2. Must be wind-firm in some acceptable manner;
 3. May not obstruct more than twenty percent of (20%) a sidewalk or right-of-way. A minimum clearance of clear passage shall be six (6) feet;
 4. Shall not be placed in or on the traveled or parking area of a street or alley right-of-way;
 5. Shall be constructed of materials that are hard, durable, weather proof and permanent. Signs shall be constructed in an "A" frame fashion only. Changeable copy is not permitted except for hand drawn lettering or graphics such as a chalkboard;
 6. Shall be allowed only immediately in front of the business being occupied. Provided that a property owner may grant another business owner the right to locate a sign on their property frontage if the businesses are located on the same block and not more than one (1) sign is permitted;
 7. Only one (1) sign is permitted per lot, structure or business;
 8. Shall not obstruct sight distance requirements on public streets;
 9. Shall be removed from public view during closed hours.
- F. Application of the specific sign standards in this section to individual signs may not be required if the applicant provides substantial evidence that the imposition of the standards will result in a sign that is less consistent with the historic character of the area.

Commented [CM1]: Define "historical and pedestrian character" and then draft regulations that would create enforceability of what that means.

Character-defining elements could include shapes of buildings, materials, decorative details, unique features, as well aspects of a site and environment. (brick, mountains, wood, color, cornices, dormers, cupolas, moldings, etc.)

Regulatory examples could include the requirement for specific materials; colors; size; placement; free standing vs. wall mounted, etc.

Commented [CM2R1]: For example: Leavenworth municipal code defines "Old World Bavarian Architectural Theme" means a unifying or dominant design style typified by the Bavarian Alpine region of Europe during the 15th to 17th centuries. For the purposes of this chapter, "Old World Bavarian Alpine" shall mean design which includes Baroque, Rococo, Classical, or Bavarian folk art elements or graphics, or graphics painted or produced in a manner which mimics these styles, and which uses only colors which would have been found during the 15th to 17th centuries in Europe. Such colors shall conform with the examples shown within the Resolution of the Design Review Board No. 1-2011 or as approved by the design review board. This resolution is available for review at no cost at City Hall during normal business hours.

15.20.175 Nonconforming signs.

A. Existing signs that are nonconforming to the provisions of this chapter are permitted to continue subject to the provisions of subsection (B) of this section. Nonconforming signs may be replaced by a sign of the same type, size, dimensions and location without losing its nonconforming status. ~~Sandwich board and temporary~~Unpermitted signs that are nonconforming are not permitted to be continued and shall be made conforming.

B. A nonconforming sign shall lose its nonconforming status if:

1. The sign is relocated; or
2. The structure or size of the sign is altered in any way. This section shall exclude normal and routine maintenance; or
3. The sign is not maintained consistent with Section [15.20.195](#).

Commented [CM3]: Nonconforming uses and structures are not illegal uses and structures; they are generally allowed to continue as is, subject to new restrictions.

In [Rhod-A-Zalea v. Snohomish County](#) (1998), the state supreme court explained the basis for this treatment of nonconforming uses:

The theory of the zoning ordinance is that the nonconforming use is detrimental to some of those public interests (health, safety, morals or welfare) which justify the invoking of the police power. Although found to be detrimental to important public interests, nonconforming uses are allowed to continue based on the belief that it would be unfair and perhaps unconstitutional to require an immediate cessation of a nonconforming use.

Chapter 17.16

R – RESIDENTIAL DISTRICT

Sections:

17.16.005	Purpose.
17.16.010	Outright permitted uses.
17.16.020	Uses requiring site and design review.
17.16.030	Conditional uses.
17.16.040	Front yard.
17.16.050	Rear yard.
17.16.060	Side yard.
17.16.070	Site area.
17.16.080	Height limit.
17.16.090	Lot coverage and lot width.
17.16.100	Home occupations.
17.16.110	Manufactured homes.
17.16.120	Recreational vehicles.

17.16.005 Purpose.

The purpose of the residential district is to create and maintain stable and attractive residential neighborhoods, while providing diversity in housing types and maintaining affordable housing. Residential zones should also protect sensitive natural areas, provide for the efficient use of land and public services, and provide appropriate vehicular and pedestrian access.

(Ord. 1163 § 1, 2001)

17.16.010 Outright permitted uses.

In ~~a R-district or the~~ residential district, no building or premises shall be used, and no building shall hereafter be erected, moved into the district, or structurally altered, unless otherwise provided in this title, except for one or more of the following uses:

The Cle Elum Municipal Code is current through Ordinance 1653, passed September 11, 2023.

- A. One single-family dwelling per legal lot of record (including manufactured homes) and duplexes **with not more than one duplex per street frontage per block;**
- B. Accessory buildings, such as are ordinarily appurtenant to single-family dwellings, including but not limited to, private workshops, private greenhouses, parking for private recreational vehicles and trailers, and a private garage of not more than three-car capacity, ~~when located not less than sixty feet from the front line, unless attached to or within the dwelling and set back five feet from the face of the main building.~~ In no case shall an accessory building(s) exceed the size of the primary building on site. Where a lot is served by an alley, all on-site parking or garages shall be accessed only from the alley;
- C. ~~Accessory dwelling units,~~ provided:
1. Only one accessory dwelling unit is permitted per lot;
 2. The accessory unit shall not be larger than **1,000 sq ft** ~~fifty percent of the living area of the primary residence;~~
 3. One additional off-street parking space is provided, and;
 4. Either the primary unit or the accessory unit is occupied by the owner of the property.
- D. Adult family homes and group homes as required and meeting minimum state requirements;
- E. Home occupations engaged in by individuals living in the residence, subject to the limitations in this title;
- F. ~~(In home) Family-family day care located in a private home that supplies care, attention, supervision, and oversight for one to twelve children, governed by Washington State DSHS licensing provisions for said day care use and conducted in accordance with said state DSHS requirements. as required and meeting minimum state requirements.~~

(Ord. 1163 § 1, 2001)

Commented [CM1]: For discussion. Newly passed legislature will require updates to the code during future comp plan updates. (HB 1110, which requires increasing middle housing density. This could look like allowing duplex's on each corner lot w/in all zoning districts that permit single family residences)

Commented [CM2]: Placeholder - State law updates could change the number of ADU's per dwelling, parking requirements, and owner requirements. Hold for Comp Plan Update.

Commented [CM3]: Consider a not to exceed number like 1,000 square-feet. This is much easier to enforce and seems consistent with state law on ADU's

17.16.020 — Uses requiring site and design review.

All uses specified in Chapter ~~17.76~~ are subject to site and design review. In addition the following activities shall be subject to site and design review.

A. ~~Parks and playgrounds (including park buildings) subject to the following limitations:~~

- ~~1. Adequate off-street parking shall be provided if the park is not a neighborhood facility;~~
- ~~2. Lighting for structures and fields shall be directed away from residential areas;~~
- ~~3. The bulk and scale of structures shall be compatible with the residential character of the area;~~
- ~~4. Structures and service yards shall be set back a minimum of fifty feet from property lines if possible, but in no case less than the required setbacks of the residential zone.~~

(Ord. 1163 § 1, 2001)

17.16.030 Conditional uses.

The following purposes and uses of buildings shall be allowed only upon approval of a conditional use permit in accordance with the provisions of Chapter ~~17.80~~ 14.30.170.

Conditional uses shall also require design review either in conjunction with or after the approval of a conditional use permit.

A. Libraries;

B. Public schools, day care centers, ~~and churches,~~ senior centers, and community centers;

~~C. Nursing homes, hospitals and sanitariums, except for inebriates and persons suffering from mental diseases;~~

D. Commercial nurseries or greenhouses on special permit not exceeding ten years;

E. Telephone exchanges, electric substations and similar installations for public service;

F. Retirement homes, and nursing homes;

G. Municipal buildings, ~~senior centers, community centers;~~

H. The office of a physician, dentist or other professional person when located in his or her dwelling or an existing residential structure located on an arterial street;

I. ~~Bed and breakfast guesthouse,~~ when accessory to the permanent residence of the operator. Preference shall be given to facilities in historic structures.

(Ord. 1163 § 1, 2001)

17.16.040 Front yard.

A front yard having a minimum depth of twenty feet is required. If on any given block, over fifty percent ~~on of~~ the existing structures on the same street frontage are set back less than twenty feet, the required front yard shall be reduced to the average of the existing front yard setbacks along that street frontage.

(Ord. 1163 § 1, 2001)

17.16.050 Rear yard.

There shall be a rear yard having a minimum depth of twenty feet for the principal structure(s). Where a lot is served by an alley the rear yard for a garage shall be a minimum depth of five feet. Accessory buildings shall maintain a minimum setback of five feet.

(Ord. 1163 § 1, 2001)

17.16.060 Side yard.

There shall be a side yard of not less than five feet in width. A ~~street-side~~ side yard adjacent to a public right-of-way, an alley or street, yard, shall have a minimum width of fifteen feet. Side yard setbacks shall be measured from the ~~drip line of the principal structures~~ structure's eave foundation or exterior wall to the property line.

Commented [CM4]: For discussion: Is "Bed and Breakfast" outdated. Should this be updated to Short Term Rental.

If changed to Short Term Rental should the city consider require a Conditional Use level review?

You could have two types of Short Term Rentals (Home Occupation STR's) where the property owner lives onsite or in one of the dwellings onsite, and "Business" level STR's that require a property owner to go through a Conditional use permit for approval for owners who do not live onsite.

Commented [CM5]: Consider a more usable standards such as from the foundation or exterior wall.

(Ord. 1257 § 2 (Exh. B), 2006; Ord. 1163 § 1, 2001)

17.16.070 Site area.

For every building hereafter erected or structurally altered or moved into the district there shall be provided a lot area of not less than five thousand square feet per unit for one-family dwellings, and not less than seven thousand square feet per unit for duplexes.

(Ord. 1163 § 1, 2001)

17.16.080 Height limit.

No building hereafter erected or structurally altered within or moved into the district shall exceed thirty-five feet.

(Ord. 1163 § 1, 2001)

17.16.090 Lot coverage and lot width.

The lot area covered by single-family dwellings and structures accessory thereto shall not exceed forty percent of the lot area; duplexes and accessory structures thereto shall not exceed forty percent of the lot area. No residential lot having a width of less than forty feet, a depth of less than seventy-five feet, nor less than twenty feet of street frontage shall be created and in no case shall a lot be created with less than five thousand square feet.

(Ord. 1163 § 1, 2001)

Commented [CM6]: For discussion - increase? Kittitas is 40%, Kittitas County is 30%, City of Yakima's is 60%.

17.16.100 Home occupations.

Home occupations are business activities that generally occur within a residential dwelling by the occupant of the dwelling where the business is clearly secondary to the residential use of

the structure. Home occupations ~~require the approval of Type I permit and~~ are subject to the following limitations:

- A. The use shall be located in the dwelling only. No outside activity or storage is permitted.
- B. A maximum of twenty-five percent of the habitable floor area or three hundred square feet, whichever is less, may be devoted to the home occupation.
- C. No use or storage of heavy vehicles or heavy equipment such as construction equipment is permitted.
- D. No external evidence of the home occupation is permitted with the exception of an unlighted sign not exceeding two square feet that may advertise the occupant's name and business type.
- E. The occupation may involve no retail sales on the premise, except as incidental to the home occupation, such as retail sales of shampoo associated with an in-home hairdresser.
- F. No more than six customers or vehicle trips are permitted per day.
- G. One employee in addition to the owner/occupant is permitted.
- H. The home occupation shall not require any external remodeling.

~~I. Applicable fees, as set forth by resolution of the city council, are required at the time of application. Home occupation permits may be subject to annual review, including applicable fees, as deemed necessary by the planning commission.~~

(Ord. 1532 § 1, 2019; Ord. 1163 § 1, 2001)

17.16.110 Manufactured homes.

Manufactured homes shall be ~~subject to the following requirements:~~installed in compliance with applicable codes, including but not limited to:

- A. Homes shall be permanently installed on a foundation.
- B. All installations must have an eighteen-inch minimum crawl space.

- C. The tongue, wheels and any other transport hardware must be removed from the structure.
- D. Skirting shall completely enclose the structure.
- E. Permanent steps shall be installed to all entrances.
- F. A minimum of seven hundred twenty square feet is required and the home must be transported in at least two pieces of equal width to the site. A minimum width of sixteen feet is required.
- G. A minimum snow load of ninety pounds per square foot is required.

(Ord. 1163 § 1, 2001)

17.16.120 Recreational vehicles.

Recreational vehicles including campers, travel trailers, mobile homes and other similar items the property of the lot owner or lessee may be parked for storage in the residential district provided they ~~meet the minimum setback standards of the district~~ are parked on-site; no on-street parking is permitted.

(Ord. 1163 § 1, 2001)

Commented [CM7]: Hard to enforce. For consideration, must be parked on-site, no on-street parking being permitted.

The Cle Elum Municipal Code is current through Ordinance 1653, passed September 11, 2023.

Disclaimer: The city clerk's office has the official version of the Cle Elum Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited here.

[City Website: cityofcleelum.com](http://cityofcleelum.com)

[City Telephone: \(509\) 674-2262](tel:(509)674-2262)

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The Cle Elum Municipal Code is current through Ordinance 1653, passed September 11, 2023.